

UTAH SENTENCING COMMISSION

2001 ANNUAL REPORT

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Our Purpose

The purpose of the commission shall be to develop guidelines and propose recommendations to the Legislature, the governor, and the Judicial Council about the sentencing and release of juvenile and adult offenders in order to:

- 1) respond to public comment;
- 2) relate sentencing practices and correctional resources;
- 3) increase equity in criminal sentencing;
- 4) better define responsibility in criminal sentencing; and
- 5) enhance the discretion of sentencing judges while preserving the role of the Board of Pardons and Parole and the Youth Parole Authority.

Utah Code Ann. § 63-25a-304 Purpose and Duties of the Sentencing

Lifetime Sentences

The Utah Sentencing Commission will be evaluating current law that has lifetime maximum sentences for certain sex offenders. In 1996, as a result of an extensive Sentencing Commission study, the Legislature enacted SB 26 *Criminal Penalty Adjustments*. This change preserved mandatory prison and life in prison for a number of sex offenses. Lifetime parole and significant treatment resources also accompanied the 1996 package recommendation. Some key questions hopefully to be addressed by the study include the following:

- How are the most dangerous sexual offenders being charged and convicted?
- How many are being convicted of offenses with lifetime maximums (e.g. first degree felony offenses carrying penalties of 6, 10 or 15 years to life; or even 3 years to life)?
- SB 26 anticipated the necessity of plea negotiations and provided for attempted aggravated sexual abuse of a child with a penalty of three years to life (with the possibility of probation). How many offenders charged with a first degree felony child sex offense are pleading to this offense?

- Why can't we convict all charged sexually violent offenders with a first degree felony sex offense?
- What evidentiary issues are preventing such convictions?
- What resource issues are preventing such convictions?
- When are we finding out that an offender is a sexually violent predator?

Ultimately, the study will assist the Sentencing Commission and other policy-makers and practitioners (such as prosecutors, judges, and the Board of Pardons and Parole) in dealing with these sex offenders. It should shed light on a difficult and delicate area. It should also assist in continuing to make sound policy and implementing it in the best way for public safety.

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Renewed for an Additional 10
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Sentencing Commission Renewed for an Additional 10 Years Until 2012

In the coming years, Utah will continue to face critical decisions concerning adult and juvenile sentencing and corrections. Utah policymakers deserve sound, rational, experienced, and research-based recommendations when making these future decisions. During 2001, the Utah Legislature renewed the Sentencing Commission for an additional 10 years in order to provide this type of guidance and leadership. It is made up of a diverse and balanced membership. With its shared research division with the Commission on Criminal and Juvenile Justice and its existing contracted research capabilities, the Sentencing Commission is an ideal entity to inform state and local government in sentencing policies.

Juvenile Justice Subcommittee

Utah's major social experiment and \$20 million investment in earlier intervention with juvenile offenders through the 1997 *Juvenile Sentencing Guidelines* has been recently evaluated. The federally funded evaluation done by the University of Utah concludes that the Guidelines are promising, but that a number of specific improvements are needed. The Juvenile Justice Subcommittee of the Sentencing Commission has convened to address these matters and to continue to review and revise these Juvenile Guidelines in order to continue to improve sentencing for this population.

This Subcommittee has also been intensely reviewing Utah's current Serious Youth Offender Law which transfers certain young offenders to the adult system. Another University of Utah evaluation has been completed on this law and provides needed insight into this six year old statute.

Guidelines Revision Subcommittee Reconvened

The Guidelines Revision Subcommittee has reconvened to review Utah's current *1998 Adult Sentencing & Release Guidelines*. This group is using data, professional feedback, and the experience and expertise of Subcommittee members to address sentencing issues ranging from methamphetamine offenses to white collar crime to better reflect intermediate sanctions for non-violent felons. Ultimately, release dates considered by the Board of Pardons and Parole will similarly be examined in order to provide the most current standard available. Such an effort will be ongoing but critical in light of the Sentencing Commission's goal to provide for smart, as well as tough, sentencing in light of challenging fiscal realities.

Race & Ethnic Fairness Issues

The Sentencing Commission is responding to specific recommendations from a Task Force on Race & Ethnic Fairness in the Legal System. The Commission's Research Division, in conjunction with Utah's higher education Research Consortium, is planning a recommended blind study in the area of sentencing fairness. This research will examine potential bias in the sentencing of juvenile offenders and involve sentencing guidelines, pre-sentence investigations, and specifically, aggravating and mitigating factors. Commission subcommittees will continue to review specific Task Force recommendations including training issues and guidelines implementation that may potentially be problematic.

Sentencing Commission Membership

John Nielsen <i>Chair - Citizen Rep.</i>	Russ Van Vleet <i>Juv. Treatment</i>
Camille Anthony <i>CCJJ</i>	Terry Christiansen <i>Trial Judge</i>
John Hill <i>Legal Defenders</i>	Blake Chard <i>Youth Corrections</i>
Julie Holbrook <i>Victims' Rep.</i>	Cindy Beshear <i>House Rep.</i>
Steven Kelly <i>Ethnic Rep.</i>	Robert Yeates <i>Juv. Judge</i>
David Mower <i>Trial Judge</i>	Terry Spencer <i>Senate Rep.</i>
Mary Corporon <i>Juv. Defense Atty.</i>	David Bateman <i>Sheriffs' Assoc.</i>
(replacement pending) <i>Chiefs' Assoc.</i>	Mike Thompson <i>House Rep.</i>
Michael Sibbett <i>Parole Board</i>	Judy Engen <i>Adult Treatment</i>
Judith Billings <i>Appellate Judge</i>	Alicia Suazo <i>Senate Rep.</i>
Mike Chabries <i>Dept. Corrections</i>	Beth Lindsley <i>Juv. Prosecutor</i>
Joel Millard <i>Yth. Parole Auth.</i>	Kirk Torgensen <i>A.G.'s Office</i>
Paul Boyden <i>Prosecutors</i>	Sterling Sainsbury <i>Juv. Judge</i>
Fred Metos <i>Utah Bar</i>	Ed McConkie <i>Director</i>



Utah Commission
on Criminal and
Juvenile Justice

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